REMARKS

Applicant has studied the Office Action dated May 16, 2003 and has made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-29 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

(1-3)   Rejected claims 1, 4, 6-8, 11-13, 15, 18, 20, 21-24, 26-27, and 29 under 35 U.S.C. §102(e) as being anticipated by O'Neil et al (US 6,330,710);

(4-5)   Rejected claims 5, 9-10, and 19 under 35 U.S.C. §103(a) as being unpatentable over O'Neil et al (US 6,330,710) in view of Examiner's Official Notice; and

(6)   Rejected claims 2-3, 14, 16-17, 25, and 28 under 35 U.S.C. §103(a) as being unpatentable over O'Neil et al (US 6,330,710) in view of Paul et al. (US 6,466,972).

Overview of the Present Invention

The present invention solves the problem with prior art logon scripts for setting up client workstation environments by copying files, creating connections, and launching applications. Prior art logon scripts such as those available on Novell Corporation's Netware products have been around for years.   The present invention overcomes the problems with creating, managing and debugging logon scripts through the use of an intuitive GUI (graphical user interface), which allows each client workstation on a network to be centrally managed.

The present invention eliminates the need to debug and manage code for each client workstation by supplying a configuration during the logon process, which was previously created using the centralized administrator's GUI tool.   This configuration handles more advance function not possible with simple batch files such as network administration including group membership, printer

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deployment, proxy server access, MS Office paths, service packs, anti-virus update, policies and automat Outlook/Exchange mail profile creations. Moreover, the present invention, permits validation of settings for a given user on a given client workstation, before a resource is given to a group, such as providing access to the accounting data share only if a user is a member of the accounting group.

The present invention alters one or more configuration settings during a system boot-up and before a shell of an operating system is present to a user. To better illustrate this sequence, the following is a block diagram of the initialization process for a client system.

| BOOT-UP | → | LOAD OS | → | AUTHENTICATE | → | DESKTOP |
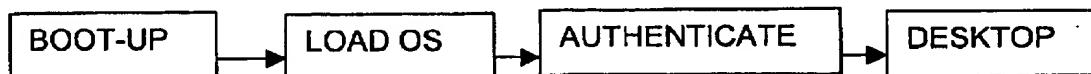
Where the term boot-up refers to the hardware initialization and test and it is typically followed by a BIOS being loaded into the machines RAM. After the BIOS is successful in loading, next the BIOS points to an Operating System to load. After the Operating System loads in a Network environment, for security purposes a user is asked to authenticate with a username and password, which defines the resources the user can access and perhaps change. After authentication, the shell of the Operating System such as the Windows DeskTop is provided. This is described in the present invention as originally filed on FIG. 5.

In order to more particularly point out this feature of a graphical scripting tool with a configuration was previously built through use of a graphical interface, and without the need to text edit logon scripts, and wherein the configuration is customized based on logon authentication to at least one user on a client system and wherein the application program is loaded and validates at least one of the configuration settings in the configuration based on logon authentication before applying it to the client system, the following language has been added to the independent claims, i.e., claims 1, 15, 24 and 27 as

follows:

- Claims 1, 24 and 27

receiving a configuration on a computer readable medium containing one or more defined configuration settings, wherein the configuration was previously built through use of a graphical interface, and without the need to text edit logon scripts, and wherein the configuration is customized based on logon authentication to at least one user on a client system; and

executing an application program that takes the configuration and applies at least one of the defined configuration settings to the client system so as to automatically configure for the user on the client system, at least one configuration setting, wherein the application program is loaded and validates at least one of the configuration settings in the configuration based on logon authentication before applying it to the client system, and wherein the application executes after the client system boots-up, loads an operating system and before an operating system shell is presented to the user.

- Claim 15

presenting a graphical user interface to a user containing user selectable items representing one or more configuration settings for at least one user on at least one client system, wherein the settings is customized based on logon authentication to at least one user on the client system;

transferring the configuration to at least one client system so at to cause an application program to take the configuration and apply at least one of the defined configuration settings to the client system so as to automatically configure for the user on the client system, at least one configuration setting, wherein the application program is loaded and validates at least one of the configuration settings based on logon authentication before applying it to the client system, and wherein the application executes after the client system boots-up, loads an operating

<u>system and before an operating system shell is presented to the user.</u>

<u>(1-4) Rejection under 35 U.S.C. §102(e)</u>

As noted above, the Examiner rejected claims 1, 4, 6-8, 11-13, 15, 18, 20, 21-24, 26-27, and 29 under 35 U.S.C. §102(e) as being anticipated by O'Neil et al. (US 6,330,710). Independent claims 1, 15, 24 and 27 have been amended to distinguish over O'Neil. The execution of the application as taught by O'Neil is an "agent servlet 330" after the Operating System loads and the user is presented a desktop after authentication. The embodiment as described by O'Neil is for Java, which runs after the user is presented a desktop on a system. This is not the same as the "<u>application executed [...] before a shell of</u> <u>an operating system is presented to the user.</u>" Accordingly, the independent claims 1, 15, 23, and 27 of present invention distinguishes over O'Neil for at least this reason.

Further, the "service template file 400" as taught by O'Neil is nowhere "<u>wherein</u> <u>the configuration is customized based on logon authentication to at least one</u> <u>user on a client system.</u>" Accordingly, the independent claims 1, 15, 23, and 27 of present invention distinguishes over O'Neil for at least this reason as well.

The Examiner cites 35 U.S.C. § 102(b) and a proper rejection requires that a <u>single reference teach</u> (i.e., identically describe) each and every element of the rejected claims as being anticipated by O'Neil.[1] Because the elements in

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[1] See MPEP '2131 (Emphasis Added) A claim is anticipated only if <u>each and</u> <u>every element</u> as set forth in the claim is found, either expressly or inherently described, in a <u>single</u> prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

independent claims 1, 15, 23, and 27 of " before a shell of an operating system is presented to the user" and "the configuration is customized based on logon authentication to at least one user on a client system" is not taught or disclosed by O'Neil. The Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. § 102(b) has been overcome.

Independent claims 1, 15, 23, and 27 have been amended to distinguish over O'Neil. Claims 4, 6-8, 11-13, 18, 20, 21-22, 24, 26, and 29 depend from claims 1, 15, 23, and 27 respectively, since dependent claims contain all the limitations of the independent claims, claims 4, 6-8, 11-13, 18, 20, 21-22, 24, 26, and 29 distinguish over O'Neil, as well.

(4-5) Rejection under 35 U.S.C. §103(a) in view of O'Neil and Office Notice

As noted above, the Examiner rejected claims 5, 9-10, and 19 under 35 U.S.C. §103(a) as being unpatentable over O'Neil et al (US 6,330,710) in view of the Examiner's Official Notice. As noted above in the section entitled "Rejection under 35 U.S.C. §103(a)" independent claims 1 and 15 have been amended to distinguish over O'Neil taken alone and/or in view of Official Notice for at least this reason.

Independent claims 1, and 15 have been amended to distinguish over O'Neil taken alone and/or in view of Official Notice. Claims 5, 9-10, and 19 depend from claims 1, and 15 respectively. Since dependent claims contain all the limitations of the independent claims, claims 5, 9-10, and 19 distinguish over O'Neil taken alone and/or in view of Official Notice, as well.

The Examiner on page 4 of the Office Action takes Official Notice that in the art of scripting languages receiving a configuration containing one or more defined configuration setting for redirecting a resource on a the client to a resource to network is old. Under MPEP § 2144.03, where the Examiner takes official notice on facts outside the record and "when a rejection is based on facts

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within the personal knowledge" of the Examiner, the Applicant may require an affidavit from the Examiner to support such personal knowledge.   The Applicant respectfully requests such an affidavit from the Examiner to put these facts on the record.

(6) Rejection under 35 U.S.C. §103(a) in view of O'Neil and Paul

As noted above, the Examiner rejected claims 2-3, 14, 16-17, 25, and 28 under 35 U.S.C. §103(a) as being unpatentable over O'Neil et al (US 6,330,710) in view of Paul et al. (US 6,466,972). As noted above in the section entitled "Rejection under 35 U.S.C. §103(a)" independent claims 1 and 15 have been amended to distinguish over O'Neil. The Examiner on page 5 of the Office Action correctly states that O'Neil fails to teach the limitation wherein the configuration consists form the group of drive mappings, shell folders, printer deployment, proxy server access, application paths, service packs, anti-virus updates, policies, automatic mail profile creation, and operating system" and goes on to combine O'Neil with Paul.[2]

O'Neil taken alone and/or in view of Paul does not suggest or teach the limitations in Independent claims 1, 15, 23, and 27 of " before a shell of an operating system is presented to the user" and "the configuration is customized based on logon authentication to at least one user on a client system." Accordingly, the present invention distinguishes over O'Neil taken alone and/or in view of Paul for at least this reason.

Further, Applicant submits that the combination of O'Neil with Paul teaches away from "wherein the application executes after the client system boots-up, loads an operating system and before an operating system shell is presented to the user." As previously discussed above, the O'Neil reference teaches Server Based configurations after the client system is available to the user i.e.

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[2] Applicant makes no statement whether such combination is even proper.

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after the shell of the operating system is presented. Whereas Paul teaches setting up a client computer when installing an Operating System before the operating system is loaded. In the words of Paul:

Machine classes are instantiated with machine-specific information such as network addresses and configuration information for peripherals (e.g., video monitors and printers) to produce fully configured operating systems for a computing device. Software (e.g., device drivers) and configuration information (e.g., registry entries) are installed based on the machine class selected. Individual configuration components (i.e. network adapters, printers) can be added or overridden when the machine instance is created. See Paul at col. 2, lines 48-58. (Emphasis Added).

Here Paul is clearly talking about building an operating system for a machine class with the correct personalizations. This is before the Operating System is loaded on the machine. The Federal Circuit has consistently held that when a §103 rejection is based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, such a proposed modification is not proper and the *prima facie* case of obviousness can not be properly made. See In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Here the intent, purpose and function of O'Neil taken alone or in view of Paul is the not within the time period of "wherein the application executes after the client system boots-up, loads an operating system and before an operating system shell is presented to the user". This combination, as suggested by the Examiner, destroys the intent and purpose of O'Neil taken alone and/or in view of Paul. Accordingly, the present invention is distinguishable over O'Neil taken alone or in view of Paul for this reason as well.

Continuing further, when there is no suggestion or teaching in the prior art for wherein the application executes after the client system boots-up, loads an operating system and before an operating system shell is presented to the user the suggestion can not come from the Applicant's own specification. The

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Federal Circuit has repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art.   See MPEP §2143 and Grain Processing Corp. v. American Maize-Products, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and In re Fitch, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The prior art references of O'Neil taken alone or in view of Paul do <u>not</u> even suggest, teach, nor mention this type of time period for configuring a client machine based on which user is logging onto the machine by "<u>the configuration is customized based on logon authentication to at least one user on a client system.</u>" Accordingly, independent claims 1, 15, 23 and 27 distinguish over O'Neil taken alone and/or in view of Paul for this reason as well.

Independent claims 1, 15, 23, and 27 have been amended to distinguish over O'Neil taken alone and/or in view of Paul. Claims 2-3, 14, 16-17, 25, and 28 depend from claims 1, 15, 23, and 27 respectively, since dependent claims contain all the limitations of the independent claims, claims 2-3, 14, 16-17, 25, and 28 distinguish over O'Neil taken alone and/or in view of Paul, as well.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, the Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability.   Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully

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made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and his attorney.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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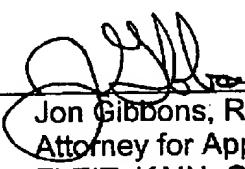
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